

ASSEMBLY BILL

No. 2562

Introduced by Assembly Member Fuentes

February 19, 2010

An act to amend Sections 25420 and 25421 of the Health and Safety Code, relating to hazardous materials.

LEGISLATIVE COUNSEL'S DIGEST

AB 2562, as introduced, Fuentes. Hazardous material: landfill gas.

Existing law requires the Public Utilities Commission to specify the maximum amount of vinyl chloride that may be found in landfill gas. Existing law prohibits a gas producer from knowingly selling, supplying, or transporting to a gas corporation, and a gas corporation from knowingly purchasing, landfill gas containing vinyl chloride in a concentration exceeding the maximum amount determined by the commission. Existing law requires a person who produces, sells, supplies, or releases landfill gas for sale offsite to a gas corporation to sample and test, bimonthly, the gas at the point of distribution for chemicals known to the state to cause cancer or reproductive toxicity.

This bill would, on and after January 1, 2011, restrict the above provisions to gas collected at a Class I landfill.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 25420 of the Health and Safety Code is
- 2 amended to read:

1 25420. For purposes of this chapter, the following definitions
2 apply:

3 (a) “Class I landfill” means a Class I waste management unit
4 classified pursuant to Section 13172 of the Water Code and Article
5 2 (commencing with Section 2520) of Chapter 15 of Division 3 of
6 Title 23 of the California Code of Regulations.

7 ~~(a)–~~

8 (b) “Department” means the Department of Toxic Substances
9 Control.

10 ~~(b)–~~

11 (c) “Gas corporation” has the same meaning as defined in
12 Section 222 of the Public Utilities Code and is subject to rate
13 regulation by the Public Utilities Commission.

14 ~~(c)–~~

15 (d) “Person” means an individual, trust, firm, joint stock
16 company, partnership, association, business concern, limited
17 liability company, or corporation. “Person” also includes any city,
18 county, district, and the state or any department or agency thereof,
19 or the federal government or any department or agency thereof to
20 the extent permitted by law.

21 SEC. 2. Section 25421 of the Health and Safety Code is
22 amended to read:

23 25421. (a) Until the rule or order specified in subdivision (b)
24 is adopted, ~~no~~ a gas producer shall *not* knowingly sell, supply, or
25 transport ~~landfill gas~~ to a gas corporation, and ~~no~~ a gas corporation
26 shall *not* knowingly purchase ~~landfill gas~~, *collected at a Class I*
27 *landfill* if that gas contains vinyl chloride in a concentration that
28 exceeds the operative no significant risk level set forth in ~~Article~~
29 ~~7 (commencing with Section 12701) of Chapter 3 of Division 2~~
30 *Section 25705* of Title ~~22~~ 27 of the California Code of Regulations.

31 (b) On or before January 1, 1990, the Public Utilities
32 Commission shall, by rule or order, specify the maximum amount
33 of vinyl chloride that may be found in landfill gas pursuant to the
34 requirements of subdivision (a).

35 ~~No~~ *On or after January 1, 2011, a gas corporation shall not*
36 *knowingly and intentionally expose any customer, employee, or*
37 *other person to gas from collected at a Class I landfill if that gas*
38 *contains any chemical known to the state to cause cancer or*
39 *reproductive toxicity without first giving clear and reasonable*
40 *warning to that individual, except as provided by Section 25249.10.*

1 (d) Every person who produces, sells, supplies, or releases
2 landfill gas collected at a Class I landfill for sale offsite to a gas
3 corporation shall, twice each month, sample and test the gas at the
4 point of distribution for the presence of chemicals known to the
5 state to cause cancer or reproductive toxicity in accordance with
6 the test guidelines prepared under Section 41805.5. The air
7 pollution control district or air quality management district within
8 which the landfill is situated shall review the testing procedures
9 for compliance with the guidelines and require the correction of
10 any deficiencies. The district shall require, among other things,
11 that the gas collected at a Class I landfill be analyzed by a
12 laboratory certified by the department and shall transmit the results
13 of the analysis to the department for its determination of
14 compliance or noncompliance with subdivisions (a) and (b). The
15 department shall fix and impose upon the gas producer a fee to
16 cover its costs under this subdivision. The results of each sample
17 and test shall be reported promptly to the gas corporation to which
18 the landfill gas collected at a Class I landfill is sold, and any person
19 or public agency requesting a copy of the report.

20 (e) ~~Nothing in this~~ This section ~~prohibits~~ does not prohibit the
21 direct delivery of landfill gas for the generation of electricity, the
22 production of steam, or other industrial application.

23 (f) The gas corporation shall obtain the results of the test
24 conducted pursuant to subdivision (d) and shall not purchase ~~no~~
25 gas ~~which~~ collected at a Class I landfill that the test shows ~~to~~
26 ~~contain~~ contains vinyl chloride that exceeds the amount permitted
27 in subdivision (a), or if the rule or order has been adopted, as
28 specified in subdivision (b).

29 (g) ~~This~~ On and after January 1, 2011, this section applies only
30 to landfill gas collected at a Class I landfill and delivered to the
31 pipeline of a gas corporation.

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